

HIRAM A. HUNTER.

[To accompany bill S. No. 12.]

JANUARY 23, 1835.

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TREASURY DEPARTMENT,

Third Auditor's Office, January 22, 1835.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, inquiring, at the request of the Committee of Claims, whether Hiram A. Hunter, of Capt. Crittenden's company, in the Seminole campaign, drew pay and forage for a horse.

According to the receipt roll of the company, on file with Paymaster Hogan's accounts, Hiram A. Hunter was paid the allowance of forty cents a day for the use of a horse from the 25th January to the 25th June, 1818, the whole term of service, amounting to \$60 40. No payment is shown to have been made to him for forage; but, by vouchers on file with the accounts in the quartermaster's department, forage, at several periods of the campaign, appears to have been issued in kind for the horses of the company.

By a roll with Paymaster Cary Nicholas's accounts, Hiram A. Hunter is shown to have also received \$15 10 for clothing. For the relief of the officers, &c. engaged in the Seminole campaign, an act was passed on the 4th May, 1822, and to which I respectfully refer you. The claim of Hiram A. Hunter has been twice before me, and of the letters written concerning it I send copies.

Had the claim been established by such evidence as would have enabled the accounting officers to admit the claim, they would have had, agreeably to the law, to deduct the sum paid for clothing; and, also, so much of the forty cents allowance as applied to time after the loss of the horse, unless the owner had proved himself to have been remounted on another horse, for which that allowance had not been received. The Senate bill for the relief of the claimant directs the payment to him of the value of the horse without any deduction, and would, of course, remunerate him in a much greater degree than any of the other volunteers were compensated, who substantiated their claims agreeably to the law and regulations.

With great respect,

Your most obedient servant,

PETER HAGNER, Auditor.

The Hon. NOYES BARBER,
Committee of Claims, H. R.

TREASURY DEPARTMENT,

Third Auditor's Office, February 4, 1833.

SIR: The letter addressed by you to the Secretary of War, on the 23d ult., transmitting the claim of Hiram A. Hunter for a horse lost in the Seminole war, and inquiring whether, by the existing law, it can be paid, having on the 2d inst. been referred to this office, I have the honor to inform you, that, on the production of such evidence as the law, and the regulations established pursuant thereto, render necessary, an allowance could be made on the claim without any further legislation, but that on papers such as are adduced in this case none could be made. These consist only of the petition to Congress dated on the 1st April, 1830, and two certificates purporting to have been given without the formality of an oath, on the 18th and 20th of March, 1830, one of them by Robert Davis, and the other by Volney Walker, each expressing the petitioner to have, during the Seminole war, and while in the service of the United States, lost a horse valued at \$70.

Neither in the petition nor in the certificates is there any explanation as to the manner in which the alleged loss happened, nor as to the period at which it took place. On both these points clear evidence would be indispensable. Without knowing how the loss happened, it would be impossible to determine whether or not the law provided for it; and without knowing when it occurred, the deduction prescribed in the law could not be computed. At or prior to the time of discharge of the volunteers at the termination of the campaign, the captains or commanding officers of the several companies appear to have issued to each member thereof who sustained a loss, a certificate describing the property, its value, the cause of the loss, and the time at which it happened, and the production in each case of the certificate thus given has been considered requisite, and in no instance has been dispensed with without satisfactory evidence of the impracticability of furnishing it by reason of the accidental loss or destruction thereof, and not by its having been traded away or sold. Whether or not the petitioner ever possessed such a certificate, and, if not, why not, or, if he ever had such a one, what has become of it, cannot be learned from his petition, nor does he appear to have therein assigned any reason for permitting his claim to remain dormant for nearly twelve years. On resorting to the rolls of the volunteers engaged in the Seminole campaign, it has been found that the petitioner served in a company commanded by Capt. Robert F. Crittenden, and respecting which there is another difficulty, which has hitherto precluded the settlement of the claim of any member who belonged to it. As a letter written by me in March, 1824, to the honorable F. Johnson, in reply to an application made by him in behalf of a private of the company, explains the difficulty,* and affords other information that may be desirable in this case, I enclose an extract from it. The papers are returned.

With great respect, your most obedient servant,

PETER HAGNER, *Auditor.*

Hon. JOHN TIPTON,
United States Senate.

* The difficulty here alluded to arose from the want of a roll of losses, and respecting which the letter of the 1st January, 1834, (copy herewith) affords explanation. Hence a copy of the letter to the honorable F. Johnson is not sent.

TREASURY DEPARTMENT,

Third Auditor's Office, January 1, 1834.

SIR: I have the honor to return the papers lately left by you at this office relating to a claim of Hiram A. Hunter for remuneration for the loss of a horse during the Seminole campaign. In February last, a communication was addressed to you by me, fully explaining the objections to which the claim was then liable. The certificates by which the claim was then supported, are not reproduced, but, instead of them, depositions are offered, made by two privates of the company in which the claimant served, and also a deposition made by him. According to these, the alleged loss happened in a manner provided for by law, and they tend, therefore, to free the claim from objection so far as respects that point. The rules and regulations, however, established pursuant to the law, render it necessary that the loss, the manner in which it happened, and the value of the horse, should be proved by the officer commanding the company, if alive, or, if dead, by the next surviving officer; and why the testimony of the commanding officer has not been obtained, remains to be shown. The petitioner, in accounting in his deposition for the non-possession of a certificate of the loss, given soon after it occurred by his commanding officer, and for suffering the claim to remain dormant so many years, has declared that at the time of discharge he did not apply for a certificate, not knowing any to be necessary, and that, so soon as he learned one was requisite, he inquired to find Capt. Crittenden, and learned that he had been killed in a duel, and knew no better till he heard that the Captain was a candidate for Congress, in June last. This affords no reason for not resorting to him subsequently. The law, as signified in my beforementioned communication, contains a proviso, prohibiting the allowance of any claim under its provisions until the proper evidence shall have been received by the accounting officers from the company to which the claimant shall have belonged, showing the number of horses lost in said company, in manner described in its first section, the time when lost, and the name of the owner; and the regulations prescribed by the President, agreeably to its last section, direct that the evidence shall be contained in a roll, sworn to by the commanding officer thereof, if alive, or, if dead, by the next surviving officer. In consequence of no such roll having been furnished by Capt. Crittenden, all the claims which have been presented from members of his company have been objected to, and no one of them settled. The want of such a roll would, of course, preclude any allowance being made by the accounting officers in the present case, even if it were in other respects unobjectionable.

With great respect,

Your most obedient servant,

PETER HAGNER, *Auditor.*Hon. JOHN TIPTON, *Senate.*

